

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

ARMAND CASAZZA,

Plaintiff,

vs.

KEVIN PARKS,

Defendant.

CV 25–3–M–DWM

ORDER

On February 20, 2025, United States Magistrate Judge Kathleen DeSoto entered Findings and Recommendations with respect to Plaintiff Armand Casazza’s civil rights complaint against Kevin Parks. (*See* Docs. 1, 4.) Having screened Casazza’s complaint under 28 U.S.C. § 1915(e)(2), Judge DeSoto found that there is no basis for subject matter jurisdiction because Casazza provides no facts to sustain his claim and recommends dismissal without prejudice. (*See* Doc. 4.) Despite being given the opportunity to do so, *see* 28 U.S.C. § 636(b)(1), Casazza has not filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court’s “full authority” to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a “definite and firm conviction that a mistake has

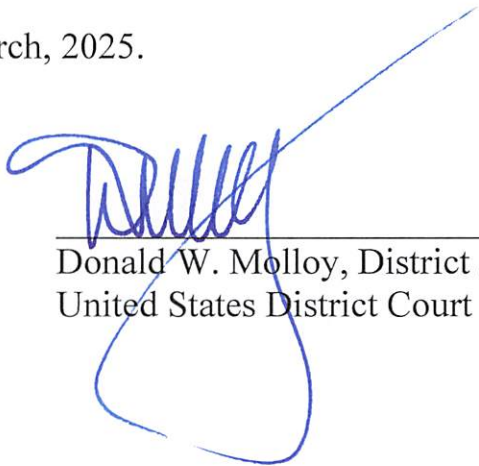
been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Finding no clear error in Judge DeSoto’s conclusion that Casazza’s complaint provides no basis for this Court’s jurisdiction,

IT IS ORDERED that:

- (1) The Findings and Recommendation, (Doc. 4), is ADOPTED IN FULL.
- (2) Casazza’s Complaint is DISMISSED WITHOUT PREJUDICE.
- (3) It is CERTIFIED, pursuant to Fed. R. App. P. 24(a)(4)(B), that any appeal from this disposition would not be taken in good faith.
- (4) The Clerk is directed to enter, by separate document, a judgment of dismissal.

DATED this 17<sup>th</sup> day of March, 2025.



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Donald W. Molloy, District Judge  
United States District Court